

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

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Plaintiff,

Case No. CR08-185-JLR

V.

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VINH NGOC HUYNH,

PROPOSED FINDINGS OF FACT AND DETERMINATION AS TO ALLEGED VIOLATIONS OF SUPERVISED RELEASE

Defendant.

RELEASE

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INTRODUCTION

I conducted a hearing on alleged violations of supervised release in this case on August 21, 2008. The defendant appeared pursuant to an arrest warrant. The United States was represented by Kathryn Warma, and defendant was represented by Jay Stansell. Also present was U.S. Probation Officer Steven Gregory. The proceedings were digitally recorded.

CONVICTION AND SENTENCE

Defendant was sentenced on January 27, 2004 by the Honorable Jeremy Fogel, United States District Judge, Northern District of California, for unlawful possession of a firearm by a prohibited person. He received 51 months of imprisonment and three years of supervised release. On May 29, 2008, jurisdiction was transferred to this district.

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**PROPOSED FINDINGS OF FACT AND
DETERMINATION AS TO VIOLATIONS OF
SUPERVISED RELEASE -1**

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2 PRESENTLY ALLEGED VIOLATIONS AND
3 DEFENDANT'S ADMISSION OF THE VIOLATIONS

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5 In a petition dated May 29, 2008, Supervising U.S. Probation Officer Steven R. Gregoryk
6 alleged that defendant violated the following conditions of supervised release:

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- 8 1. Failing to report to the US probation office on May 27, 2008, as instructed, in violation
9 of standard condition two.
- 10 2. Failing to submit monthly reports for the months of January 2008 through May 2008, in
11 violation of standard condition two.

12 In a petition dated August 11, 2008, Supervising U.S. Probation Officer Steven R. Gregoryk
13 alleged that defendant violated the following conditions of supervised release:

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- 15 3. Using cocaine on or about April 15, 2008, in violation of standard condition seven.
- 16 4. Failing to participate in a substance abuse treatment program, in violation of the special
17 condition of supervision, which requires the defendant to participate in a program for the
18 treatment of drug and alcohol abuse.
- 19 5. Committing the crime of failing to register a change in address with the King County
20 Sheriff's office within 72 hours, in violation of the standard condition of supervision, which states
21 that the defendant shall not commit a new federal, state, or local crime.

22 Defendant admitted violation 1 with the following explanation: He did not receive notice to
23 report in May 2008. However, he admits he violated his conditions of supervision because he
never reported to the probation office between May 2008 and August 2008. Regarding violation
2, defendant stipulated the evidence would show that the probation office did not receive
defendant's monthly reports for January, February, March and April, 2008. Defendant admits he

1 did not submit reports for May, June and July, 2008. Defendant admitted violations 3 and 4.
2 Defendant waived any hearing as to whether the any of the above violations occurred. The
3 government moved to dismiss violation 5 and the motion was granted. Following defendant's
4 admissions and stipulation, he was informed that the matter would be set for a disposition hearing
5 before District Judge James L. Robart.

6 RECOMMENDED FINDINGS AND CONCLUSIONS

7 Based upon the foregoing, I recommend the Court find that defendant has violated the
8 conditions of his supervised release as alleged above, and conduct a disposition hearing. No
9 request for release was made and defendant remains in custody pending disposition.

10 DATED this 21st day of August, 2008.

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12 BRIAN A. TSUCHIDA
13 United States Magistrate Judge
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